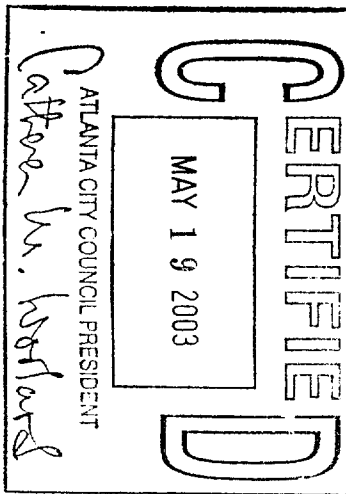


Entered 10-28-02 - sb  
CL 02L0767 - GWENDOLYN BURNS

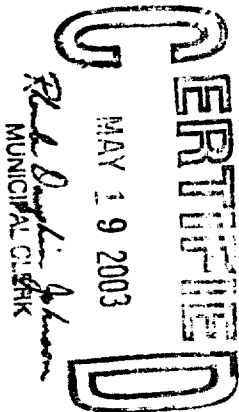


**CLAIM OF: JOSEPH COBB**  
2410 Ozark Trail  
Atlanta, Georgia 30331

**03-0-0750**

For property damage allegedly sustained from a  
sewer backup on October 7, 2002 at 2410 Ozark  
Trail.

THIS ADVERSED REPORT IS  
APPROVED



BY: \_\_\_\_\_

  
**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

## ADVERSE REPORT

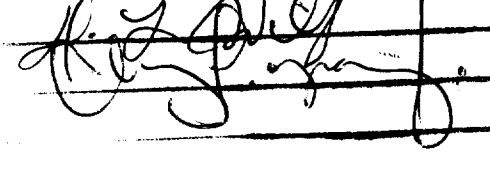
PUBLIC SAFETY &  
LOCAL ADMINISTRATION COMMITTEE

DATE: 5/13/03

CHAIR: 

C. T. Martin













## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

May 27, 2003

Joseph Cobb  
2410 Ozark Trail  
Atlanta, GA 30331

03-O-0750

Dear Mr. Cobb:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 19, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0767

Date: April 29, 2003

Claimant /Victim JOSEPH COBB  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 2410 Ozark Trail, Atlanta, Georgia 30331  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 150.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 10/24/02 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 10/7/02 Place: 2410 Ozark Trail  
Department WATERSHED MANAGEMENT Division \_\_\_\_\_ Sewer Operations \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** Claimant alleges that he sustained property damage from a sewer overflow. However, an investigation determined that the City did not have notice of a problem at this location prior to the date of claimant's incident.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager: [Signature] Concur/date 050203  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4717  
5/19/03  
2:39 PM

Atlanta City Council

Regular Session

CONSENT I                      Pgs. 1-14 Except:03-O-0456; 03-R-0598  
                                    03-R-0703; 03-R-0773; 03-R-0788  
                                    Adopt

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

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**5/19/03 FULL COUNCIL MEETING**

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**Items Adopted on the Consent Agenda**

- |               |               |
|---------------|---------------|
| 1. 03-O-0601  | 36. 03-R-0726 |
| 2. 03-O-0551  | 37. 03-R-0727 |
| 3. 03-O-0552  | 38. 03-R-0728 |
| 4. 03-O-0600  | 39. 03-R-0729 |
| 5. 03-O-0554  | 40. 03-R-0730 |
| 6. 03-O-0617  | 41. 03-R-0731 |
| 7. 03-O-0632  |               |
| 8. 03-O-0633  |               |
| 9. 03-O-0660  |               |
| 10. 03-O-0772 |               |
| 11. 03-O-0628 |               |
| 12. 03-O-0759 |               |
| 13. 03-R-0655 |               |
| 14. 03-R-0700 |               |
| 15. 03-R-0701 |               |
| 16. 03-R-0704 |               |
| 17. 03-R-0784 |               |
| 18. 03-R-0785 |               |
| 19. 03-R-0707 |               |
| 20. 03-R-0708 |               |
| 21. 03-R-0709 |               |
| 22. 03-R-0718 |               |
| 23. 03-R-0782 |               |
| 24. 03-R-0713 |               |
| 25. 03-R-0714 |               |
| 26. 03-R-0716 |               |
| 27. 03-R-0760 |               |
| 28. 03-R-0768 |               |
| 29. 03-R-0774 |               |
| 30. 03-R-0776 |               |
| 31. 03-R-0779 |               |
| 32. 03-R-0722 |               |
| 33. 03-R-0723 |               |
| 34. 03-R-0724 |               |
| 35. 03-R-0725 |               |

**Items Adversed on the  
Consent Agenda**

- |               |
|---------------|
| 42. 03-R-0732 |
| 43. 03-R-0733 |
| 44. 03-R-0734 |
| 45. 03-R-0735 |
| 46. 03-R-0736 |
| 47. 03-R-0737 |
| 48. 03-R-0738 |
| 49. 03-R-0739 |
| 50. 03-R-0740 |
| 51. 03-R-0741 |
| 52. 03-R-0742 |
| 53. 03-R-0743 |
| 54. 03-R-0744 |
| 55. 03-R-0745 |
| 56. 03-R-0746 |
| 57. 03-R-0747 |
| 58. 03-R-0748 |
| 59. 03-R-0749 |
| 60. 03-R-0750 |
| 61. 03-R-0783 |

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Consent I Vote: 13Yeas; 0 Nays: (See RCS #4717)

Items Removed from the Consent Agenda: 03-O-0456; 03-R-0598; 03-R-0703; 03-R-0773; 03-R-0788